

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:11-cv-21**

**NUTE EDISON MACE and PAMELA
BOWERS MACE,**)
)
)
 Plaintiffs,)
)
 vs.)
)
 AMERICAN GENERAL ASSURANCE)
 COMPANY and AMERICAN GENERAL)
 LIFE COMPANIES, LLC,)
)
 Defendants.)
 _____)

ORDER

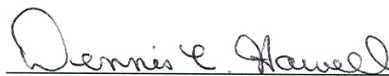
THIS MATTER is before the Court *sua sponte* to ascertain subject matter jurisdiction. The defendants American General Assurance Company and American General Life Companies, LLC removed this action from state court based upon diversity of jurisdiction (#1). In the Complaint the plaintiff alleges that defendant American General Life Companies, LLC is a corporation organized and existing under the laws of the state of Delaware.

Courts have an affirmative duty to question subject matter jurisdiction even when the parties have not done so. Interstate Petroleum Corp. v. Morgan, 249 F.3d 215 (4th Cir. 2001); Plyer v. Moore, 129 F.3d 728, 732 n.6 (4th Cir. 1997), *certiorari denied* 524 U.S. 945, 118 S.Ct. 2359, 141 L.Ed.2d 727 (1998); 28 U.S.C.

§1447(c)("If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded."). A limited liability company is a citizen of all states in which its constituent members are citizens. Carden v. Arkoma Associates, 494 U.S. 185, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990). The defendant American General Life Companies, LLC has not disclosed in their Notice of Removal the names and addresses of the constituent members or partners of American General Life Companies, LLC and therefore it will be required to do so.

IT IS, THEREFORE, ORDERED that on or before December 2, 2011, the defendants shall file a response disclosing the names and citizenships, if any, of all the constituent members or partners of American General Life Companies, LLC, and, for any such constituent members or partners that are limited liability companies or partnerships, to identify the citizenship of the respective constituent members or partners until all such constituents are fully identified.

Signed: November 22, 2011



Dennis L. Howell
United States Magistrate Judge

